

**EDUCATION DEPARTMENT[281]**

**Notice of Intended Action**

**Proposing rule making related to clearing classrooms  
and providing an opportunity for public comment**

The State Board of Education hereby proposes to amend Chapter 41, “Special Education,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 256.7.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2020 Iowa Acts, Senate File 2360.

*Purpose and Summary*

2020 Iowa Acts, Senate File 2360, added conditions to special education law regarding the use of room clears as a classroom safety technique. This proposed rule making adds the following two conditions related to room clears to Chapter 41: a prohibition on including room clears in an individualized education program and a procedure for classroom teachers to call for a team meeting after a room clear is used.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Thomas Mayes  
Department of Education  
Grimes State Office Building, Second Floor  
400 East 14th Street  
Des Moines, Iowa 50319-0416  
Phone: 515.242.5614  
Fax: 515.242.5988  
Email: [thomas.mayes@iowa.gov](mailto:thomas.mayes@iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held in person and via video conference as follows:

September 15, 2020  
3 to 4 p.m.

State Board Room, Second Floor  
Grimes State Office Building  
Des Moines, Iowa  
Via video conference  
[idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09](https://idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09)

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** subrule 41.320(7):

**41.320(7) *Clearing classrooms.*** An IEP or a behavioral intervention plan shall not include provisions for clearing all other students out of the regular classroom in order to calm the child requiring special education or the child for whom a behavioral intervention plan has been implemented except as provided in Iowa Code section 279.51A as enacted by 2020 Iowa Acts, Senate File 2360.

If a student whose behavior caused a classroom clearance has an IEP or a behavioral intervention plan, the classroom teacher shall call for and be included in a review and potential revision of the student's IEP or behavioral intervention plan by the student's IEP team. The AEA, in collaboration with the school district, may, when the parent or guardian meets with the IEP team during the review or reevaluation of the student's IEP, inform the parent or guardian of individual or family counseling services available in the area. The public agencies must provide those services if those services are necessary for a FAPE.